

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE CITY OF ST. PAUL

In Re the License Application of the  
St. Paul Firearms Co., 634 Snelling  
Avenue North, St. Paul, Minnesota

**ORDER GRANTING  
INTERVENTION**

By a petition filed October 23, 1996, the Hamline-Midway Neighborhood Stability Coalition ("the Coalition") filed a Petition for Intervention as a party in the above matter. Intervention by the Coalition was objected to by the Applicant, St. Paul Firearms Co. ("SPFC"), in a letter dated October 15, 1996. The City of St. Paul does not object to intervention by the Coalition.

The Coalition is represented in this matter by Thomas Darling, Esq., Gray, Plant, Mooty, Mooty & Bennett, P.A., 3400 City Center, 33 South Sixth Street, Minneapolis, Minnesota 55402-3706 and by Richard D. Snyder, Esq., Fredrikson & Byron, P.A., 1100 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402. The Applicant, SPFC, is represented by David Feinwachs, Esq., 2227 University Avenue, St. Paul, Minnesota 55114. The City of St. Paul is represented by Virginia D. Palmer, Assistant City Attorney, 400 City Hall, 15 West Kellogg Boulevard, St. Paul, Minnesota 55102.

Based upon the filings and for the reasons set out in the following Memorandum,  
IT IS HEREBY ORDERED:

1. The Hamline-Midway Neighborhood Stability Coalition is granted party status in the above matter.
2. On or before 4:30 p.m., October 28, 1996, the Coalition shall serve upon all parties and the Administrative Law Judge a Statement of Issues as described in the attached Memorandum.

3. Any party wishing to comment on the relevancy of the issues specified by the Coalition must file their comments on or before 4:30 p.m. on October 30, 1996.

Dated this 23rd day of October 1996.

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GEORGE A. BECK  
Administrative Law Judge

### MEMORANDUM

The St. Paul Legislative Code at Title XXIX, Subtitle A, § 310.05(c) provides that "The Hearing Examiner may, in its discretion, permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing." Although the Notice of Hearing indicates that the hearing will be conducted in accordance with Minn. Stat. §§ 14.57-14.62 of the Administrative Procedure Act, this matter is not a Chapter 14 hearing and it is governed as to procedure by the Legislative Code. Generally, a Petition for Intervention must show how the Petitioner's legal rights are affected by the contested proceeding and how the Petitioner may be directed affected by the outcome. See, e.g., Minn. R. pt. 1400.6200, subp. 1.

The Applicant objects to intervention by the Coalition in this matter on the grounds that it has not demonstrated who its members are, what its positions are, or what its interest is in this proceeding. The Applicant also suggests that the Coalition has had its day in court concerning this matter in the prior license revocation proceeding and in the enactment of the final permanent ordinance concerning the sale of firearms. The Coalition was granted party status in the prior revocation proceeding and was a party to the appeal of that matter. The Applicant believes that the enactment of the permanent ordinance answers the anticipated objections of the Coalition. The City of St. Paul is not opposed to intervention.

The Coalition is an unincorporated association consisting of residents who live in the vicinity of the Applicant's proposed location of business. It has listed 24 named representatives in the past, all of whom live within 8 blocks of the Applicant's business. They have been acting as a Coalition for several years. They state that they are concerned about safety matters, property values, compliance with zoning requirements, disruption of a residential atmosphere, and whether the Applicant will constitute a public nuisance.

The Coalition has made an adequate demonstration that its rights may be affected by this case and that it may directly affected by the outcome of the case. As neighbors, they have a direct interest in the Applicant's conduct, including whether it can comply with the zoning ordinance and other laws. Its participation in the prior proceeding should not preclude participation in this case. As the Coalition points out,

since the City supports the application with conditions, it will be the only party presenting evidence to challenge the application. Its petition adequately demonstrates its connection to the question of whether or not a license to sell firearms should be issued in this neighborhood.

However, in order to ensure that matters raised by the Coalition at the hearing are relevant and to ensure that the Applicant has notice of the matters the Coalition intends to raise in this application proceeding, the intervention of the Applicant is specifically conditioned upon its filing of an issue statement on or before 4:30 p.m. on October 28, 1996. That statement must describe with specificity each issue which the Coalition seeks to raise in connection with whether or not this license application should be granted. The statement must indicate the Coalition's position on the issue and summarize the testimony which it will present in regard to that issue. The statement must disclose all witnesses which the Coalition at this time knows will testify, and must identify which issue or issues the witness will testify about.

G.A.B.